



POLICY TITLE: Sexual Harassment		PAGE 1 OF 7
CHAPTER: Human Resources		
	CHILD AND FAMILY SERVICES AGENCY  Approved by: _____ Signature of Agency Director	PROFESSIONAL STANDARDS See Section VII.
EFFECTIVE DATE: May 4, 2007	LATEST REVISION: April 25, 2007	REVIEW BY LEGAL COUNSEL: May 2, 2007

I. AUTHORITY	The Director of the Child and Family Services Agency ("CFSA") adopts this policy to be consistent with the Agency's mission and applicable Federal and District of Columbia laws and regulations including: Title VII of the Civil Rights Act of 1964, as amended (P.L. 88-352, § 703; 42 U.S.C. § 2000e-2); District of Columbia Human Rights Act, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 <i>et seq.</i>) (2001); Title IV, Chapter 1 of the D.C. Municipal Regulations (D.C.M.R. § 4-101 <i>et seq.</i>); and Mayor's Order 2004-171 (October 20, 2004), Sexual Harassment.
II. APPLICABILITY	This policy applies to all employees of the CFSA, and all third parties doing business with, or carrying out the goals and objectives of the CFSA (i.e., vendors, interns, volunteers, customers, clients, and contractors).
III. RATIONALE	The purpose of this policy is to establish that the CFSA has a "zero tolerance" for sexual harassment in the workplace. Sexual harassment is recognized as one of the most invidious, demeaning and demoralizing examples of workplace misconduct. The CFSA values an individual's right to work or receive services without fear, intimidation, coercion or exploitation. Sexual harassment creates an environment which is intolerable and incompatible with this principle and is strictly prohibited.
IV. POLICY	<p>It is the policy of the CFSA that all employees, and third parties doing business with or carrying out the goals and objectives of the CFSA, have a right to be in a work environment or to receive services free from discrimination and harassment. DCMR § 4-102.1 provides:</p> <p>It shall be the policy of the Government of the District of Columbia in connection with any aspect of District government employment to do the following:</p> <ol style="list-style-type: none"> 1. To prohibit sexual harassment; 2. To prohibit retaliation for filing Equal Employment Opportunity (EEO) complaints; 3. To provide equal employment opportunity for all persons; and 4. To prohibit discrimination in employment because of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, matriculation, physical handicap, or political affiliation. <p>Sexual harassment is a form of discrimination which is strictly prohibited. Furthermore, sexual harassment constitutes a violation of the civil laws of the District of Columbia and the United States.</p>

	<p>In keeping with this mandate, the CFSA does not tolerate acts of sexual harassment or related retaliation by or against CFSA employees. The Human Resources Administration (HRA) is available for employees to express their concerns about possible harassment and/or other violations of discrimination statutes, regulations, or policies, including the CFSA Sexual Harassment Policy. Any employee, supervisory or non-supervisory, who is determined to have violated this policy, shall be subject to disciplinary action up to and including termination. Further, any act of sexual harassment or inappropriate conduct of a sexual nature involving third parties, including clients, shall not be tolerated and may also lead to termination.</p>
V. CONTENTS	<p>A. Sexual Harassment Defined B. Roles and Responsibility of the CFSA staff in Preventing Sexual Harassment C. Reporting Sexual Harassment Allegations and Filing Complaints D. Confidentiality E. Rights of the Alleged Aggressor F. Prohibition Against Retaliation G. False Reporting</p>
VI. ATTACHMENTS	A. Complaint Form
VII. PROCEDURES	<p>Procedure A: Sexual Harassment Defined</p> <ol style="list-style-type: none"> 1. The Mayor's Order 2004-171 defines sexual harassment as the following: <ol style="list-style-type: none"> a. unwelcome sexual advances; b. requests for sexual favors; and c. other verbal or physical conduct of a sexual nature when any one of the following criteria is present: <ol style="list-style-type: none"> i. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; ii. submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting the individual; or iii. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment. 2. The following are examples of conduct that may create an intimidating, hostile or offensive work environment: <ol style="list-style-type: none"> a. sexually oriented or sexually degrading language describing an individual or his/her body, clothing, hair, accessories or sexual experiences; b. sexually offensive comments or off-color language, jokes, or innuendo that a reasonable person would consider to be of a sexual nature, or belittling or demeaning to an individual or a group's sexuality or gender; c. the display or dissemination of sexually suggestive objects, books, magazines, photographs, music, cartoons, or computer internet sites or references;

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	<ul style="list-style-type: none">d. unnecessary and inappropriate touching or physical contact, i.e., brushing against a colleague's body, touching or brushing a colleague's hair or clothing, massages, groping, patting, pinching, and hugging, that a reasonable person would consider to be of a sexual nature;e. leering or sexually suggestive gestures or sounds, i.e., whistling or kissing noises;f. workplace sexual comments, conduct, displays and suggestions between two willing parties that would cause a reasonable third party to be offended;g. any unwanted repeated contact, including but not limited to in-person or by telephone, for romantic or sexual purposes; orh. sexual assault. <p>3. Sexual harassment may be committed by persons of either gender against persons of the same or opposite gender.</p> <p>4. Sexual harassment is not only prohibited between co-workers. Any act of sexual harassment or inappropriate conduct of a sexual nature between employees and clients or other parties involved with the CFSA shall also not be tolerated.</p> <p>5. Sexual harassment is not just unlawful and prohibited during working hours or in the workplace. This behavior is also prohibited in any work-related context, including but not limited to: conferences, work functions, office holiday parties, and business trips.</p>	
	<p>Procedure B: Roles and Responsibility of the CFSA Staff in Preventing Sexual Harassment.</p> <p>1. All CFSA staff have a responsibility to use their best efforts to help provide a workplace that is free of sexual harassment. Therefore, the CFSA holds all employees responsible for the following:</p> <ul style="list-style-type: none">a. complying with the CFSA's sexual harassment policy;b. refraining from engaging in any act that will constitute sexual harassment or any inappropriate conduct of a sexual nature;c. reporting any known incidents of sexual harassment to any supervisor or manager with whom the employee feels comfortable or to the appropriate Equal Employment Opportunity (EEO) Counselor located in the HRA (See Procedure C);d. cooperating in the investigation of sexual harassment complaints; ande. maintaining complete confidentiality when providing information during the investigation of a complaint. <p>2. Managers and supervisors are responsible for the following:</p> <ul style="list-style-type: none">a. complying with the CFSA's sexual harassment policy;b. modeling appropriate behavior by refraining from engaging in any inappropriate conduct of a sexual nature or acts that will constitute sexual harassment;c. monitoring the working environment to ensure that acceptable standards of conduct are observed at all times;	
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3. The HRA shall make the final determination regarding the appropriate steps to resolve the complaint.

Note: In the event that an employee is being subjected to harassment by his or her immediate supervisor, he or she may file a complaint with another supervisor within the CFSA or directly with the EEO Counselor.

Filing Sexual Harassment Complaints

1. An alleged victim of sexual harassment, or a person acting on the victim's behalf with or without the victim's consent, may file a formal complaint requesting an investigation into the allegation by completing the complaint form (see attachment). This form must be submitted within 180 calendar days from the time of the alleged incident, to any CFSA supervisor or manager, a CFSA EEO Counselor, or to any EEO Counselor at any other District of Columbia agency.

Note: The CFSA's authority to investigate sexual harassment complaints is limited to investigation of complaints lodged by or against individuals who are CFSA employees at the time the complaint is filed.

2. A complainant may forego filing an internal complaint with the CFSA, but may instead file a complaint directly with the District of Columbia Office of Human Rights (OHR) within one year of the alleged incident. A complainant also has the right to file a complaint directly with the appropriate federal agency.
3. The CFSA shall promptly initiate investigations of sexual harassment allegations. A thorough and impartial investigation shall be conducted by the CFSA EEO Counselor. If the CFSA determines that the complaint cannot be resolved, the CFSA shall refer the matter to the OHR.
4. Any supervisor receiving a formal complaint of sexual harassment shall forward copies of the completed complaint form to the appropriate chain of command and the EEO Counselor within 48 hours of the filing of the complaint.
5. The complainant shall specify the allegations, name the alleged perpetrator, indicate any efforts made to resolve the matter, and identify potential witnesses.
 - a. The EEO Counselor shall notify the alleged harasser of a complaint against him or her. The alleged harasser may provide a written response to the allegations within two (2) business days of receiving notice of the complaint;
 - b. The complainant, the alleged harasser, and the witnesses shall be interviewed separately. All parties to the investigation shall be treated with dignity and respect;
6. The assigned investigator shall attempt to secure statements from and conduct interviews of all participants in, and witnesses to, the alleged incident.
 - a. All CFSA employees are expected to cooperate fully and promptly with requests by investigators to provide interviews and other information.

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	<ul style="list-style-type: none"> b. If an employee who alleges, or is alleged to be the victim of sexual harassment, declines to assist and/or participate in the investigation of the allegation, the CFSA may unilaterally initiate and conduct an investigation. c. Any employee who, on the direct request of the CFSA, declines to participate in an investigation may be subject to disciplinary action. d. The CFSA shall require that the complainant put in writing his/her decision to decline assistance and participation in the investigation. <ul style="list-style-type: none"> 7. Complainants shall be notified in writing of the final disposition/action taken by the HRA within 21 calendar days of the complaint being filed. 8. Pending final resolution of a sexual harassment complaint, the CFSA may at it's own discretion, or upon the request of a complainant, take prompt personnel actions on a temporary basis that do not result in any adverse employment action. These remedial actions are administrative rather than disciplinary and may include, but are not limited to, transfers, reassignment of duties, mandatory administrative leave, or other measures that do not result in reduction of pay or loss of employee benefits. 9. If the investigation results in a finding that an employee has engaged in an inappropriate behavior of a sexual nature, he/she shall be subject to disciplinary action up to and including termination. 10. When either the CFSA or an appropriate law enforcement authority determines that a sexual assault occurred, the CFSA shall discipline the alleged perpetrator, up to and including termination of employment.
	<p>Procedure D: Confidentiality</p> <ul style="list-style-type: none"> 1. Sexual Harassment investigations and any ensuing information or documents are subject to privacy and privilege rights and shall remain confidential. This means that the complaint shall be discussed only with those who have a legitimate administrative or legal reason to know about the complaint. Information related to a complaint may also be subject to disclosure as required by District or federal law. 2. The investigator(s) and CFSA staff participating in the investigation shall make reasonable efforts to protect the identity of the alleged harasser and the complainant, as well as witnesses for either party. <p><i>Note: The CFSA is not precluded from reporting a suspected illegal or improper act, or conduct related to the investigation, to an appropriate enforcement, investigating and/or legal organization or from cooperating in any related investigation.</i></p>

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	<p>Procedure E: Rights of the Alleged Harasser</p> <p>Persons accused of sexual harassment deserve the full protections afforded them under the law, including, but not limited to, the presumption of innocence, unless and until there is a finding of culpability.</p> <p>The person accused of sexual harassment shall be:</p> <ol style="list-style-type: none"> 1. told that a complaint has been made; 2. informed of the specific facts of the complaint; 3. given an opportunity to respond to the allegations; 4. informed of the procedure that the complainant chose to pursue the complaint; 5. given an opportunity to have his/her questions answered before the commencement of any review or investigation; and 6. advised of his/her rights to contest any disciplinary action taken against him/her.
	<p>Procedure F: Prohibition Against Retaliation</p> <p>Employees are permitted to report sexual harassment or any other form of discrimination. The CFSA shall take appropriate steps to protect an employee's assertion of rights under law. It is the CFSA's policy that under no circumstance shall any employee, supervisor, manager or other person acting on his/her behalf, or under his/her direction, retaliate against, harass, or coerce an employee because that employee has filed or asserted a claim of sexual harassment, assisted another person in filing or asserting a claim of sexual harassment, opposed sexual harassment, been a witness in a sexual harassment investigation, or challenged an allegation of sexual harassment on or off the premises of the CFSA.</p> <ol style="list-style-type: none"> 1. Retaliation includes, but is not limited to: <ol style="list-style-type: none"> a. Arbitrary discipline, unwarranted change of work assignments, providing inaccurate work information, or failing to cooperate or discuss work-related matters with any employee because that employee has complained about, been a witness to or resisted harassment or discrimination; and b. Intentionally pressuring, falsely denying, lying about, or covering up or attempting to cover up any conduct such as that described in the item above. 2. Employees found to have engaged in retaliatory behavior shall be recommended for termination.
	<p>Procedure G: False Reporting</p> <p>Any employee who is found to have knowingly and intentionally made materially false statements or representations in relation to any sexual harassment claim or investigation shall be subject to disciplinary action up to and including termination.</p>

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Child and Family Services Agency



SEXUAL HARASSMENT: FORMAL COMPLAINT FORM
COMPLAINANT'S REPORT

Instructions: The complaint must be written and signed by the complainant. Please answer as completely as possible the following questions. Use additional paper as necessary.

Date complaint submitted: _____

Complainant's Name: _____

Alleged Victim's Name (if Complainant is acting on his or her behalf): _____

Date of Event: _____ (If more than one event, please report each event on a separate form.)

Who committed the alleged harassment? _____

Is the accused a co-worker, supervisor, other employee, or third party?

Where did the specific event occur? (Office location, corridor, etc.)

Describe the circumstances and the events that occurred.

How did this incident affect you?

Were there any witnesses to this specific event? (If yes, please provide their names, contact numbers, office location)

What was their involvement?

Have you contacted your supervisory chain of command regarding this matter?

What would be your desired outcome as a result of the investigation?

I certify the above statements to be true and factual to the best of my knowledge.

Complainant's Signature: _____ Date: _____